

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 8, 1948

10:30 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilmen Glass, Johnson, Mayor Miller - 3

Absent : Councilman Bartholomew - 1

Present also: Guiton Morgan, City Manager; J. E. Motheral, Director of Public Works; Trueman E. O'Quinn, City Attorney; W. E. Seaholm, Director of Utilities; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

Mr. C. B. Hahn appeared before the Council and requested that the option which the City holds on his property at 3707 East Avenue for right-of-way for the interregional highway be reduced from \$9000.00 to \$8000.00, and, in return, that the City sell him the property next to him. The matter was taken under advisement by the Council and Mr. Hahn was advised that his proposition would be given first consideration in the event the City offers such property for sale.

A public hearing on the proposed Gas Franchise of the Texas Public Service Company was called for Wednesday, July 28, at 8:00 P. M., and the Director of Utilities was instructed to contact the State Oil & Gas Division in the meantime to find out how the gas rates for domestic and industrial use in Dallas compare with the proposed rates for Austin.

Pursuant to published notice thereof, the public hearing on the application of Sam R. Wood to amend the Zoning Ordinance in the following particulars:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District, to-wit:

That portion now zoned "A" Residence of a certain one acre tract out of the George W. Spear League, being property of Sam R. Wood and being located 132 feet south of the south line of Oran Street on the east side of Burnet Road in the 4800 block,

was duly opened.

No property owner, or other interested person appearing to protest the proposed change, Councilman Johnson moved that the hearing be closed, the change be granted, and the City Attorney be instructed to prepare the ordinance. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

At the request of the Attorneys for the proponents, the public hearing on the application of Webb Connelly and other property owners for a change in zoning of the property located in the 4500 and 4600 blocks of East Avenue scheduled for this day was postponed to a meeting with all four members of the City Council present; the property owners affected by the change to be notified when the matter will come up again.

Mr. Freeman Taylor, representing the Rod and Gun Club, submitted a request for use of city property at the foot of Canadian Street or below the Fish Hatchery for a skeet field. The matter was taken under advisement for an inspection of the locations.

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant: Rogan B. Giles

I. Referred to the Board by the City Council on : June 24, 1948

II. Property affected:

Tract A, Giles Place, Section 2, being located on the north side of Manor Road east of the railroad.

III. To be changed

From : "A" Residence District and First Height and Area District

To : "D" Industrial District and Third Height and Area District

IV. Considered by the Board on : July 6, 1948

V. Parties appearing:

For : Ted Wendlandt, Bascom Giles, and Rogan B. Giles

Against: None

VI. Action of the Board : Change recommended

For the following reasons:

1. This is a low-lying, seepy tract of land lying between the Llano Branch of the Southern Pacific Railroad and Boggy Creek, fronting 140 feet on Manor Road, which is not very desirable for residential uses on account of its topography and elevation.
2. The property across Manor Road and that on the opposite side of the railroad is already zoned as industrial property and this would be an extension of the industrial zone to include this tract.
3. The tract is a part of Giles Place with a tier of lots backing on the same and separated therefrom by a planting screen and Boggy Creek which tend to protect the adjoining residential property .
4. The Board deems that, under these conditions and circumstances, this tract which is more or less inaccessible and not desirable for residential purposes could best be used for industrial purposes as an extension of the existing industrial district since no further industrial property could be established to the north which is now subdivided and protected by deed restrictions.

(Sgd) H. F. Kuehne
Chairman.

Councilman Glass moved that a public hearing on the foregoing application for change in zoning be called for Thursday, July 29, 1948, at 11:00 A.M. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant: Mrs. Laura Zerchausky

I. Referred to the Board by the City Council on : June 24, 1948.

II. Property affected:

Lots 1, 2, and 3, Block 1, Ideal Place Addition, Outlot 14, Division "C", located on the southeast corner of Duval and East 43rd Streets.

III. To be changed

From : "B" Residence District and Second Height and Area District

To : "C" Commercial District and Second Height and Area District

IV. Considered by the Board on : July 6, 1948

V. Parties appearing:

For : Mrs. Laura Zerchausky and Mrs. Wilson

Against: None

VI. Action of the Board : Change recommended

For the following reasons:

1. This property is the remaining corner of the intersection of East 43rd and Duval Streets which is still in a "B" Residence District while the other four corners are "C" Commercial, the one opposite on the north having been recently changed by the City Council for Joe O. Prowse.
2. The change of this property would provide equal rights and privileges for all four corners and establish equal values and uniform usages of these properties.
3. The Board deemed that the present zoning is not equitable and fair to the owner of this property since the other three corners have been zoned for commercial purposes.

(Sgd) H. F. Kuehne
Chairman. #

Councilman Glass moved that a public hearing on the foregoing application for change in zoning be called for Thursday, July 29, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant: Bessie Menem

I. Referred to the Board by the City Council on : June 24, 1948.

II. Property affected:

Lot 6, Morsland Place, Outlot 11, Division "A", being located at the southeast corner of East 6th and Pedernales Streets.

III. To be changed

From : "E" Heavy Industrial District and Third Height & Area District

To : "C-1" or "C-2" Commercial District and Third Height and Area District

IV. Considered by the Board on : July 6, 1948

V. Parties appearing:

For : None

Against: None

VI. Action of the Board : Change not recommended.

For the following reasons:

1. An application for a change of zoning on this property was made on May 8, 1947, at which time the Board, after a public hearing and an examination of the site and the neighborhood, recommended against this change.
2. The Board deems that since the previous application no changes in the conditions and circumstances affecting this property have developed and that the same reasons for not recommending this change still apply, to which reasons reference is here made.

(Sgd) H. F. Kuehne
Chairman. #

Councilman Glass moved that a public hearing on the foregoing application for change in zoning be called for Thursday, July 29, 1948, at 11:00 A.M. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The following report of the Board of Adjustment was received:

*ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant: A. Casiraghi

I. Referred to the Board by the City Council on : May 27, 1948.

II. Property affected:

Lots 10, 11, and 12, Block 3, Martin's Subdivision, being located at 1901 West 10th Street.

III. To be changed

From : *A# Residence District and First Height and Area District

To : *C-2# Commercial District and First Height and Area District.

IV. Considered by the Board on : June 8, 1948, and June 30, 1948.

V. Parties appearing:

For : A Casiraghi, J. T. Gillman, Geo. H. Kies, Frank Roll and Mike Daywood.

Against: Rosie A. Hayden and James and Daisy Bedford

VI. Action of the Board : Change not recommended

For the following reasons:

1. This application is for a change of zoning on three lots located on the south side of West 10th Street between the railroad and Essex Avenue.
2. The present commercial development of this property as a grocery store is non-conforming, being in an "A" Residence District, and this use could be maintained indefinitely for its present purposes under the zoning law.
3. The application for this change is for the sole purpose, as affirmed by the applicant, of selling beer by the case in the grocery store. The change to a "C-2" Commercial District of these three lots, however, would permit many other uses, such as the dispensing of liquor, light manufacturing, used car junk areas, wholesale and storage warehouses, and other uses which would tend to adversely affect the character and values of adjoining and neighboring properties. This change also would cover the property of a single owner and would be in the nature of a spot zone, giving one individual special privileges not enjoyed by the surrounding owners.
4. The present Zoning Ordinance was amended to provide specific areas and zones where beer and wine and liquor could be dispensed under varying conditions as a general policy of the City.
5. In view of these conditions and circumstances, the Board deems that this change would be a drastic violation of the principles of zoning just for the purpose of permitting one individual to add one additional item to his business, and that this change would not be in harmony with the general zoning scheme of the City and would set a dangerous precedent which would justify all other grocery stores in asking for the same privilege.

(Sgd) H. F. Kuehne
Chairman.

Councilman Glass moved that a public hearing on the foregoing application for change in zoning be called for Thursday, July 29, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The following report of the Board of Adjustment was received:

a change would not be in the public interest and would adversely affect all of the surrounding property and would tend to create serious traffic problems at this strategic intersection of so many major and minor thoroughfares.

4. The Board further deems that this location is not in a proper location for industrial property since one of the objectives of the City Master Plan is to locate industrial development in the eastern section of the City along the major railroad lines and where ample water supply is available and for which purpose a considerable area has recently been changed to "D" Industrial District.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Glass moved that a public hearing on the foregoing application for change in zoning be called for Thursday, July 29, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant: Jay H. Brown by Ted Wendlandt

- I. Referred to the Board by the City Council on : April 22, 1948

- II. Property affected:

South 9 feet of Lot 81, and all of Lots 82, 83,, 84, 85, and 86, Oakwood Subdivision, Outlots 72 and 75, Division "D", being located on the east side of Lamar Boulevard, or San Gabriel Street, south of West 32nd Street.

- III. To be changed :

From : "A" Residence District and First Height and Area District

To : "C" Commercial District and First Height and Area District

- IV. Considered by the Board on : May 4, 1948, and July 6, 1948

- V. Parties appearing:

For : Ted Wendlandt, Jake Silberstein asked that his property be included in the change and a notice from Lloyd W. Payne also asked for his property across the street to be included.

Against: Mr. Ashley for Mrs. Matilda Ashley; Mrs. Leslie Colwell, and Leslie Shannon.

VI. Action of the Board: Change not recommended.

For the following reasons:

1. This change was requested for the purpose of constructing a tourist camp on this property. Since this property is bounded on three sides by streets and the lots are through lots 140 feet from street to street, and when it is considered that a setback of 25 feet from Lamar Boulevard and 20 feet from Owen Avenue must be provided, the remaining buildable area would be 90 feet in depth. The available area would not permit of an economical development and also provide proper off-street parking for the occupants of the living quarters which would force the parking of cars on Lamar Boulevard and the other streets, increasing traffic congestion and hazards. Furthermore, the property to the north of West 32nd Street has recently been changed to a "C" Commercial District, which property has a greater depth, there being an alley in the rear thereof, and the southwest corner of the intersection of West 32nd Street and Lamar Boulevard was zoned as a commercial corner for the Lighthouse for the Blind but was never occupied.
2. The Board deems that, under these conditions and circumstances, there is now enough undeveloped commercial property to serve any needs of this community, that there is no public demand and necessity for additional property at this time, and that the property should remain as now zoned.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Glass moved that a public hearing on the foregoing application for change in zoning be called for Thursday, July 29, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller
Noes : None
Absent: Councilman Bartholomew

The application of North Millican for a change in zoning of property located at 30th and Guadalupe Streets, known as Fountain Courts, from "A" Residence District to "C" Commercial District, was received. Councilman Glass moved that the application be referred to the Board of Adjustment for consideration and recommendation, and a public hearing on same be called for Thursday, July 29, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller
Noes : None
Absent: Councilman Bartholomew

The application of N. J. Ferris and A. G. Ferris for a change in zoning, from "C" Commercial District to "C-1" Commercial District, of 1.93 acres out of Isaac Decker League, located on South Lamar Boulevard, was received. Councilman Johnson moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller
Noes : None
Absent: Councilman Bartholomew

#ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant: R. J. Long and M. H. Crockett

I. Referred to the Board by the City Council on : May 27, 1948.

II. Property affected:

22.95 acres located at the southwest corner of Airport Boulevard and Middle Fiskville Road; 6.91 acres on the east side of Airport Boulevard north of 53 $\frac{1}{2}$ Street and a tract 149.60' x 162.55' south of 53 $\frac{1}{2}$ Street; 59,720 square feet located in a triangle between Middle Fiskville Road and Airport Boulevard 200 feet north of East 53 $\frac{1}{2}$ Street.

III. To be changed:

From : "C" Commercial District and First Height and Area District

To : "D" Industrial District and First Height and Area District

IV. Considered by the Board on : June 8, 1948, and June 30, 1948.

V. Parties appearing:

For : R. J. Long

Against: Nash Phillips and Clyde Copus, Jr.; John C. Mackey; G. W. Hopkins;
Earl T. Coleman; Evelyn S. Simms; C. B. Anderson; Mrs. Sallie Jett,
Augusta Flowers; Mineola Routt; and Lizzie Harvey.

VI. Action of the Board : Change not recommended.

For the following reasons:

1. The property requested to be changed consists of a 400-foot strip of land on the east side of Airport Boulevard south and north of 53 $\frac{1}{2}$ Street, the north portion of a triangular tract opposite this property on the west side of Airport Boulevard extending to Middle Fiskville Road, and a 22.95 acre tract on the west side of Middle Fiskville Road and south side of Airport Boulevard.
2. This property covers a large area at the intersection of Airport Boulevard, Middle Fiskville Road, and State Highway 20, which intersection will be developed as a major traffic intersection by the State Highway Department. This property was zoned as "C" Commercial District at the request of the property owners but no development has been made thereon to the present date and applications for this change do not give any specific indication of the type of development proposed if this change is granted.
3. Since a "D" Industrial District permits various types of manufacturing, processing and other industrial activities, the Board deems that such

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION

Applicant: M. H. Crockett and G. S. Burrows et al

- I. Referred to the Board by the City Council on : February 19, 1948, and
March 18, 1948

II. Property affected:

South 79 feet of Lot 4, and all of Lots 5 and 6, Block 6,
H. B. Seiders Subdivision, and Lots 4, 5, and 6, Block 3,
H. B. Seiders Subdivision, being located on the west side
of Lamar Boulevard, or Morningside Avenue, between West
39th Street and West 40th Street.

III. To be changed

From : "A" Residence District and First Height and Area District

To : "C" Commercial District and First Height and Area District

- IV. Considered by the Board on : March 4, 1948, March 23, 1948, July 6, 1948

V. Parties appearing

For : None

Against: Mr. and Mrs. A. K. Nelson and Roger Neil McCown

VI. Action of the Board: Change not recommended

For the following reasons:

1. The above properties are similar and of like character, being adjacent blocks fronting on the future Lamar Boulevard.
2. The Board has recommended the change of an entire block immediately south of this property between the Boulevard and Alice Avenue, and 38th and 39th Streets. In making this recommendation, the Board considered this additional commercial property, together with the existing Community Center at the intersection of East 38th Street with Wabash Avenue and Alice Avenue, as being ample for the development of a complete Community Center to serve this entire section of the City north as far as 45th Street.
3. Changing the property here requested would initiate a string commercial strip zone far beyond the needs of the community and would result in a non-uniform development of all this property, and would increase traffic congestion on the Boulevard and tend to nullify the fundamental purpose of the Boulevard to provide an uninterrupted flow of traffic through the City and from the outskirts of the City into the center business district.

4. The Board deems that this property should remain residential until such time that the growth of the City and careful determination of the needs of the neighborhood and traffic conditions on the Boulevard would justify a reconsideration of such change.

(Sgd) H. F. Kuehne
Chairman.

Councilman Johnson introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL DISTRICT AND THIRD HEIGHT AND AREA DISTRICT ON A CERTAIN TRACT OF LAND LYING BETWEEN EAST 7TH STREET, PLEASANT VALLEY ROAD, HIDALGO STREET, AND CALLES STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND DECLARING AN EMERGENCY.

The ordinance was read the first time, and Councilman Johnson moved that the same be passed to its second reading and laid over. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The ordinance was then laid over for its second reading.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the 80th Congress of the United States has passed and President Truman has signed Public Law 796 providing for the transfer to educational institutions of the title to veterans' housing facilities erected under the terms of the Lanham Act on land owned by said educational institutions; and

WHEREAS, the request of said educational institution for such transfer is required to be supported by a resolution of the governing body of the municipality having jurisdiction in the area specifically approving the waiver of the provisions of Section 313 of said Lanham Act; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

Which has jurisdiction over the area in which Project Tex-V-41885 of The University of Texas is located, that the waiver of the removal requirements of Section 313 of the Lanham Act (Public Law 849, 76th Congress, as amended) with respect to said project is hereby specifically approved in accordance with Public Law 796, 80th Congress.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

Councilman Johnson introduced the following ordinance:

AN ORDINANCE PROVIDING FOR CLASSIFICATION OF ALL FIREMEN AND POLICEMEN IN THE CITY OF AUSTIN; AND PRESCRIBING THE NUMBER OF POSITIONS IN EACH CLASSIFICATION; AND ESTABLISHING THE OFFICES AND POSITIONS IN THE FIRE DEPARTMENT AND THE POLICE DEPARTMENT OF THE CITY OF AUSTIN; AND SUSPENDING THE RULE REQUIRING THIS ORDINANCE TO BE READ ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Johnson moved that the ordinance be passed to its second reading and laid over. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The ordinance was then laid over for its second reading.

Councilman Glass introduced the following resolution, and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in WOODROW AVENUE, from a point 15 feet north of Alguno Road northerly 350 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Woodrow Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (2) A gas main in ROMERIA DRIVE, from Woodrow Avenue easterly 1076 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south

of and parallel to the north property line of said Romeria Drive.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (3) A gas main in DUVAL STREET, from a point 12 feet north of East 54th Street northerly 258 feet, the centerline of which gas main shall be 14 feet east of and parallel to the west property line of said Duval Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (4) A gas main in OLIVE STREET, from a point 50 feet west of Navasota Street westerly 18 feet, the centerline of which gas main shall be 10 feet south of and parallel to the north property line of said Olive Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (5) A gas main in BREEZE TERRACE, from a point 192 feet north of East 32nd Street northerly 85 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Breeze Terrace.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (6) A gas main in EAST 18TH STREET, from Ferdinand Street westerly 67 feet, the centerline of which gas main shall be 20 feet south of and parallel to the north property line of said East 18th Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (7) A gas main in HETHER STREET, from Goodrich Avenue westerly 356 feet, the centerline of which gas main shall be $3\frac{1}{2}$ feet north of and parallel to the south property line of said Hether Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (8) A gas main in KENWOOD AVENUE, from Algarita Avenue northerly 190 feet, the centerline of which gas main shall be 20 feet west of and parallel to the east property line of said Kenwood Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (9) A gas main in EAST LIVE OAK STREET, from a point 180 feet west of Travis Heights Boulevard easterly 235 feet, the centerline

of which gas main shall be 14 feet south of and parallel to the north property line of said East Live Oak Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (10) A gas main in TRAVIS HEIGHTS BOULEVARD, from a point 85 feet north of East Live Oak Street southerly 125 feet, the centerline of which gas main shall be 50 feet east of and parallel to the west property line of said Travis Heights Boulevard.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (11) A gas main in WOODLAND AVENUE, from a point 15 feet east of Travis Heights Boulevard easterly 176 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said Woodland Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (12) A gas regulator pit, 9'x6'x7', in WOODLAND AVENUE, the centerline of said regulator pit to be 127 feet east of the east property line of Travis Heights Boulevard and $6\frac{1}{2}$ feet south of the north property line of Woodland Avenue.

- (13) A 5'x4'x4' gas regulator pit in ALTA VISTA AVENUE, the centerline of said regulator pit to be 10 feet north of the north property line of East Live Oak Street and $10\frac{1}{2}$ feet west of the east property line of Alta Vista Avenue.

- (14) A gas main in CASWELL AVENUE, from a point 376 feet south of East 49th Street southerly 105 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Caswell Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (15) A gas main in MANOR ROAD, from a point 85 feet west of Randolph Road westerly 198 feet, the centerline of which gas main shall be 8 feet south of and parallel to the north property line of said Manor Road.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (16) A gas main in MERRIE LYNN AVENUE, from Manor Road northerly 432 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Merrie Lynn Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (17) A 9'x6'x7' gas regulator pit in CLARKSON AVENUE, the centerline of said regulator pit to be $25\frac{1}{2}$ feet south of the south property line of East 51st Street and 5 feet east of the west property line of Clarkson Avenue.
- (18) A gas main in CLARKSON AVENUE, from a point 208 feet north of East 51st Street north to East 53rd Street, the centerline of which gas main shall be 7 feet west of and parallel to the east property line of said Clarkson Avenue.
- Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.
- (19) A gas main in EAST 53RD STREET, from Clarkson Avenue to North Loop Boulevard, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said East 53rd Street.
- Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.
- (20) A gas main in NORTH LOOP BOULEVARD, from East 53rd Street west to a point 202 feet east of Chesterfield Avenue, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said North Loop Boulevard.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

And that whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a contract for and on behalf of the City of Austin with Central Freight Lines, Inc., for the laying of certain sanitary sewer mains and other sewer pipes in Lyons Road and Gunter Street, all in the City of Austin, Travis County, Texas, in accordance with the terms and conditions of that certain contract, a copy of which is attached to this resolution and made a part hereof for all purposes.

(Copy of Contract)

THE STATE OF TEXAS :
COUNTY OF TRAVIS : KNOW ALL MEN BY THESE PRESENTS:

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and Central Freight Lines, Inc., a corporation duly organized and existing under and by virtue of the laws of the State of Texas, with its principal office in the City of Waco, McLennan County, Texas, acting herein by and through its President, W. W. Callan, hereinafter for convenience sometimes called the Customer: W I T N E S S E T H :

I.

The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances and materials necessary to lay, and agrees to lay the certain sanitary sewer mains and other sewer pipes on the streets and easements at the locations described as follows:

In Lyons Road from Tillery Street to Gunter Street,
thence north in Gunter Street to Central Freight Lines,
Inc., property.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Two Thousand Five Hundred Dollars (\$2,500.00) when completed; and the Customer in consideration of the foregoing obligations to the City, which are assumed for the benefit of the Customer in order to furnish sewer service to him, agrees to deposit the sum of Two Thousand Five Hundred Dollars (\$2,500.00) with the City of Austin prior to commencement of the work.

III.

Within a reasonable time after deposit of the sum or sums of money as provided in Paragraph II, the City of Austin agrees to commence construction of the utility improvements described in Paragraph I and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed, but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably

required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the utility improvements described in Paragraph I; and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin, after the work is completed, will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

V.

Immediately after the completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers or agents, to note on this contract the correct figure stating the actual cost of such work and the date of completion.

VI.

It is agreed that the Customer shall be reimbursed for the money deposited as provided in Paragraph II in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to the gross amount of income realized by the City from the service and sale of water for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with the sewer mains, described above, for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year, the City agrees to pay to the Customer a sum equal to the gross income realized by the City during the preceding calendar year from the service and sale of water from said sewer lines for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with said sewer mains, until the total amount of the cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of the said work (as such date is noted hereon under provisions of Paragraph V) even though the full cost of such work at the end of said time has not been refunded in full to the Customer; and if at any time before the expiration of said ten (10) year period, the principal sum of such cost has been repaid, further payment shall cease.

VII.

It is agreed that the City may make such repairs and changes in all of said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of proper utility systems. Title to all said utility improvements shall be and remain at all times in the City of Austin.

VIII.

It is agreed that this contract is made with reference to the existing charter and ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract, and the Customer agrees to comply with all provisions of such laws, ordinances, and charter.

IX.

It is agreed that the City of Austin may, at its option, retain any part or all of the deposit made by the Customer in compliance with Paragraphs II and IV of this contract and refuse to make the payments and refunds provided for in Paragraphs IV and VI of this contract in the event the Customer shall fail or refuse to comply substantially with any obligation lawfully imposed on the City of Austin regulating the platting, planning, and development of subdivisions within the City of Austin.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said Central Freight Lines, Inc., has executed this instrument in duplicate this the ____ day of _____, 1948.

CITY OF AUSTIN

Attest:

By _____

City Manager

City Clerk

CENTRAL FREIGHT LINES, INC.

By _____

Approved:

Director of Utilities_____
Director of Public Works_____
City Attorney

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by virtue of an order of sale issued June 13, 1900, out of the District Court of Travis County, Texas, in Cause No. 14,293, styled City of

Austin vs. Damps Passon, the property hereinafter described was sold for taxes by the Sheriff of Travis County, Texas, to the City of Austin by Sheriff's deed dated September 6, 1900; and

WHEREAS, the taxes on the hereinafter described property which were involved in the tax suit upon which said sale was based have been fully paid and satisfied; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Gulton Morgan, City Manager, be, and he is hereby, authorized and directed to execute a quitclaim deed for and on behalf of the City of Austin to Damps Passon and his successors in title, conveying all right, title, and interest of the City of Austin in and to Lot 4, Block 1, Outlet 4, Division "A", in the City of Austin, Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the property situated on the west side of Springdale Road as a private gasoline plant, which property is owned by Central Freight Lines, and is designated as Lot 6, Outlet 40, Division "A", Sigmund Addition of the City of Austin, Travis County, Texas, and hereby authorizes the said Central Freight Lines to operate a private gasoline plant consisting of a 10,000 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same's being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Central Freight Lines have failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"Austin, Texas
July 8, 1948

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of Central Freight Lines for permission to operate a private gasoline plant consisting of a 10,000 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon the property located on the west side of Springdale Road, which property is designated as Lot 6, Outlot 40, Division "A", Siegmund Addition of the City of Austin, Travis County, Texas, and locally known as 1002-4 Springdale Road.

This property is located in a "D" Industrial District, and I recommend that this permit be granted subject to the following conditions:

(1) That the gasoline tanks and pumps shall be of an approved type, and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

(2) That the tank be located not nearer than twenty-five feet to any building or abutting property line.

(3) That all pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

(4) That "NO SMOKING" signed shall at all times be prominently displayed, and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

(5) That all fees shall be paid and a permit secured from the Building Inspector's office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

Respectfully submitted,

(Sgd) J. C. Eckert
Building Inspector. "

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

Councilman Glass introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE MISSOURI-KANSAS-TEXAS RAILROAD COMPANY OF TEXAS TO CONSTRUCT, MAINTAIN AND OPERATE A RAILWAY SPUR TRACK IN, UPON, OVER AND ACROSS SPRINGDALE AVENUE IN THE CITY OF AUSTIN, SUBJECT TO CERTAIN CONDITIONS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Glass moved that the ordinance be passed to its second reading and laid over. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The ordinance was then laid over for its second reading.

The application of WILLIAM CORWIN, 4106 Morningside Avenue, for a license to operate as a taxicab a 1942 Model 4-door Buick Sedan, Motor No. 4555159-4, State License No. DY-5555, duly approved by the City Manager. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of THURMAN VANCE EASOM, Riverside Tourist Courts, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of CARL VICTOR LINN, 6712 Dallas Highway, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of BILLY JOE ROBBINS, 509 Bowie Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of EUGENE WAYNE WILLIAMS, 719-A Robert E. Lee Road, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of CECIL EARL LEVERETT, Bergstrom Air Base, for a taxicab driver's permit was submitted. Councilman Johnson moved that the applicant be granted a 90-days probationary permit. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller
 Noes : None
 Absent: Councilman Bartholomew

The application of SUMMER'S PACKAGE STORE, by Fred Summer, 123½ West 6th Street, for a package store license, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller
 Noes : None
 Absent: Councilman Bartholomew

It was the sense of the Council that the proposal of Mr. Hatter to lease the City Market be not accepted.

The following tabulation of bids on water meters was submitted by the City Manager:

" June 17, 1948

Memorandum to Mr. Morgan and Mr. Seaholm:

Bids were opened on cold water meters June 11, 1948, at 2:00 P. M. Four companies submitted bids and had a representative present for the opening and reading of the bids. Those companies were:

Badger Meter Company;
 Neptune Meter Company;
 Pittsburg Equitable Meter Company;
 Worthington-Gorman Meter Company

The Hersey Meter Company advised that they were unable to quote at this time.

Pittsburg Meter Company was low with a total bid of \$36,329.60. Neptune was second with \$36,511.52, a net difference of \$181.52.

Considering the 1800 5/8 meters, we find ourselves in this position:
 We have in service the following approximate percentages of meters:

Neptune Meter Company (Lamberts - 34%
 (Tridents - 24%

Pittsburg Meter Company (Topic A - 42%
 (Topic - 0

Lamberts - purchased prior to 1931

Topic A - purchased 1931-1941

Tridents - 1941 to date (except 800 purchased in 1924)

The low bid was on Tropic and not Tropic A, and is the equivalent of adding a new meter to the list of competitors. Acceptance of the low bid means stocking a new line of repair parts. Our estimate of parts to be added before the end of 1948 is \$216.00. Space in the meter shop is now at a premium.

(Sgd) Albert R. Davis

Recommend the award be made to Pittsburg Meter Company as the lowest and best bid.

(Sgd) W. E. Seaholm. "

Councilman Johnson moved that the bid of the Pittsburg Meter Company, in the amount of \$36,329.60, be accepted as the lowest and best bid, and the City Manager be authorized to enter into contract with said firm accordingly. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

It was the sense of the Council that the method proposed by Brown & Root for paving of streets whereby bids would be taken on competitive basis under specifications furnished by the City be tentatively approved.

The following report of the Board of Adjustment was received:

#ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant: Mrs. Minnie Leatherman, et al

I. Referred to the Board by the City Council on : April 8, 1948

II. Property affected:

All of Lots 2, 3, 7, 8, and 9, Block 1, of Silliman Addition, being located at the northeast corner of Baylor and West 11th Streets.

III. To be changed

From : "B" Residence District and Second Height and Area District

To : "C" Commercial District and Second Height and Area District

IV. Considered by the Board on : April 20, 1948, and June 30, 1948.

V. Parties appearing:

For : W. Trenckmann; S.R. Fulmore appeared and asked that A. Fleming property be included in the change.

Against: Dr. and Mrs. Dalton Richardson

VI. Action of the Board: Change not recommended.

For the following reasons:

1. The area requested to be changed extends for a distance of 150 feet along Baylor Street, one lot being a portion of an original lot fronting on Baylor Street and the remainder of this lot, together with two other lots, fronting on West 11th Street.
2. This change would establish a small section of Baylor Street for commercial uses while Baylor Street for its entire length is a residential street and would, therefore, not be in harmony with the general character of the street. The fact that the remainder of the property fronts on East 11th Street would initiate the lateral development of commercial property westward from Lamar Boulevard, whereas it was the intent in the zoning of Lamar Boulevard that all property zoned commercially would front on the boulevard, retaining the remainder of the property to the rear as residential property to preserve the residential character of Baylor Street.
3. The topography of this area is such that Baylor Street is considerably higher than Lamar Boulevard, which would make it difficult to front property on West 11th Street and provide the proper parking for any commercial development thereon.
4. Since Lamar Boulevard is now zoned commercially from West 6th Street to West 12th Street, most of which is not yet developed commercially, there appears no need for additional commercial property in the rear of the present commercial zone.
5. The Board, therefore, deems that, considering all the circumstances relating to the site and effect of this change on the property on Baylor Street, and there being no proven public need or necessity for this additional commercial property, this area should not be changed from its present classification and should remain residential property as now zoned.

(Sgd) H. F. Kuehne
Chairman. 4

Councilman Glass moved that a public hearing on the foregoing application for change in zoning be called for Thursday, July 29, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller
Noes : None
Absent: Councilman Bartholomew

The City Council then took up for consideration, the following written appeals of taxpayers from the action of the Board of Equalization for the year 1947, and after due consideration of such appeals, it was moved by Councilman Glass that the following disposition of same be made; and the Tax Assessor and Collector be directed to change his rolls accordingly:

M. K. HAGH:

59.13x126.13 average of Decker League - the valuation of the land be reduced from \$8000.00 to \$2600.00, by reason of M. H. Crockett appeal.

LOTT LUMBER COMPANY:

Merchandise, Furniture and Fixtures - valuation on same be reduced from \$8000.00 to \$3120.00.

MRS. JOHANNA SCHOENFIELD:

7.52 acres and 54x130 feet of Martin Estate on South Congress Avenue, Decker League, the valuation of the land be reduced from \$38,540.00 to \$19,670.00; no change be made in the valuation of the improvements.

16.73 acres, Decker League - valuation of the land be reduced from \$15,120.00 to \$11,210.00; no change be made in the valuation of the improvements.

ROY R. TALLEY:

Lot 51, Outlot 18, Division "C", Mayfair Terrace, the valuation of the land be reduced from \$860.00 to \$660.00 ; no change be made in the valuation of the improvements.

The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

Upon motion, seconded and carried, the meeting was then recessed, subject to call of the Mayor.

Approved: _____

Tom Miller
MAYOR

Attest:

Lillian M. Keen

CITY CLERK